

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

FILED

2001 OCT -2 AM 11:13

U.S. BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

IN RE: )  
THEODORE C. EDWARDS, 250-74-9295 )  
GARTISS H. EDWARDS, 042-38-8127 )  
284 Ashley Avenue )  
Charleston, SC 29403 )  
Debtors )

Chapter 13

Bankruptcy No.: 01-03632/B

**TO: All creditors and Parties in Interest**

**NOTICE AND APPLICATION FOR SALE OF PROPERTY FREE AND CLEAR OF LIENS**

YOU ARE HEREBY NOTIFIED that the debtor is applying for approval to sell the property of the debtors' estate described below free and clear of all liens and encumbrances, except as specifically indicated below, according to the terms and conditions stated below.

TAKE FURTHER NOTICE that any response, return, and/or objection to this application, should be filed with the Clerk of the Bankruptcy court **at or before the hearing**, and a copy simultaneously served on all parties in interest.

TAKE FURTHER NOTICE that a hearing will be held on this application on **October 17, 2001 at 1:30 p.m.**, at **145 King Street, Room 225, Charleston, South Carolina**. No further notice of this hearing will be given.

TAKE FURTHER NOTICE that the debtors request that the delay in efficacy of the Order pursuant to this Motion be waived in the granting of this Motion pursuant to Federal Rules of Bankruptcy Procedure Rule 6004(g), because time is of the essence.

TYPE OF SALE: Private

PROPERTY TO BE SOLD: portion of property located at 18 Nunan Street - Lot J (12 1/2 Nunan Street) and Lot K (14 Nunan Street) measuring approximately 15' x 100' x 15.76' x 102.82', containing approximately 1,581 square feet - copy of survey is attached as Exhibit "A"

PRICE: \$5,100.00

APPRAISAL VALUE: Debtors believe purchase price to be the fair value of the property being sold

BUYER: The City of Charleston

PLACE AND TIME OF SALE: Place: Clawson & Staubes

Date: October 31, 2001 or sooner

SALES AGENT/AUCTIONEER/BROKER: None

COMPENSATION TO SALES AGENT/AUCTIONEER/BROKER/ETC: None

ESTIMATED TRUSTEE'S COMMISSION ON SALE: None

LIENS/MORTGAGES/SECURITY INTERESTS ENCUMBERING PROPERTY:

First Mortgage Holder: Fairbanks Capital

Balance: approximately \$73,268.00

23/21

*Debtors intend to disburse the sale proceeds as follows: Closing costs estimated in the amount of \$500 including, but not limited to, past due and pro-rated real property taxes, and legal fees, commissions. After the payment of closing costs, the net proceeds will be paid to the mortgage company to reduce the principal balance of the mortgage. But for this division of sale proceeds, property will be sold free and clear of any and all encumbrances or liens, and any and all liens, judgments or encumbrances of any kind will be deemed satisfied by this sale. Any funds in excess of this amount will be disbursed to the Debtors and/or Trustee, as indicated below.*

DEBTORS' EXEMPTION: \$0

PROCEEDS ESTIMATED TO BE PAID TO TRUSTEE: \$0

PROCEEDS ESTIMATED TO BE PAID TO DEBTORS: \$0

Any party objecting to the sale must do so in writing and in accordance with SC LBR 9014-1. *If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above;* any such objections will be heard at the date, time and place set forth above. All objections should be filed with the Clerk of Court at 1100 Laurel Street, Post Office Box 1448, Columbia, SC 29202, with a copy served upon the trustee, Joy S. Goodwin, at Post Office Box 2066, Columbia, SC 29202, and the Debtors' counsel, at the address shown below. A copy of the objection should also be served on the United States Trustee at 1201 Main Street, Suite 2440, Columbia, SC 29201

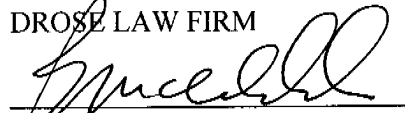
Applicant is informed and believes that it would be in the best interest of the estate to sell said property by private sale. Applicant further believes that the funds to be recovered for the estate from the sale of said property justify its sale and the filing of this application.

The court may consider additional offers at any hearing held on this notice and application for sale. The court may order at any hearing that the property be sold to another party on equivalent or more favorable terms.

The trustee or debtors may seek appropriate sanctions or other similar relief against any party filing a spurious objection to this notice and application.

DROSE LAW FIRM

BY:

  
R. Michael Drose, I.D. #609

Attorneys for the Debtor

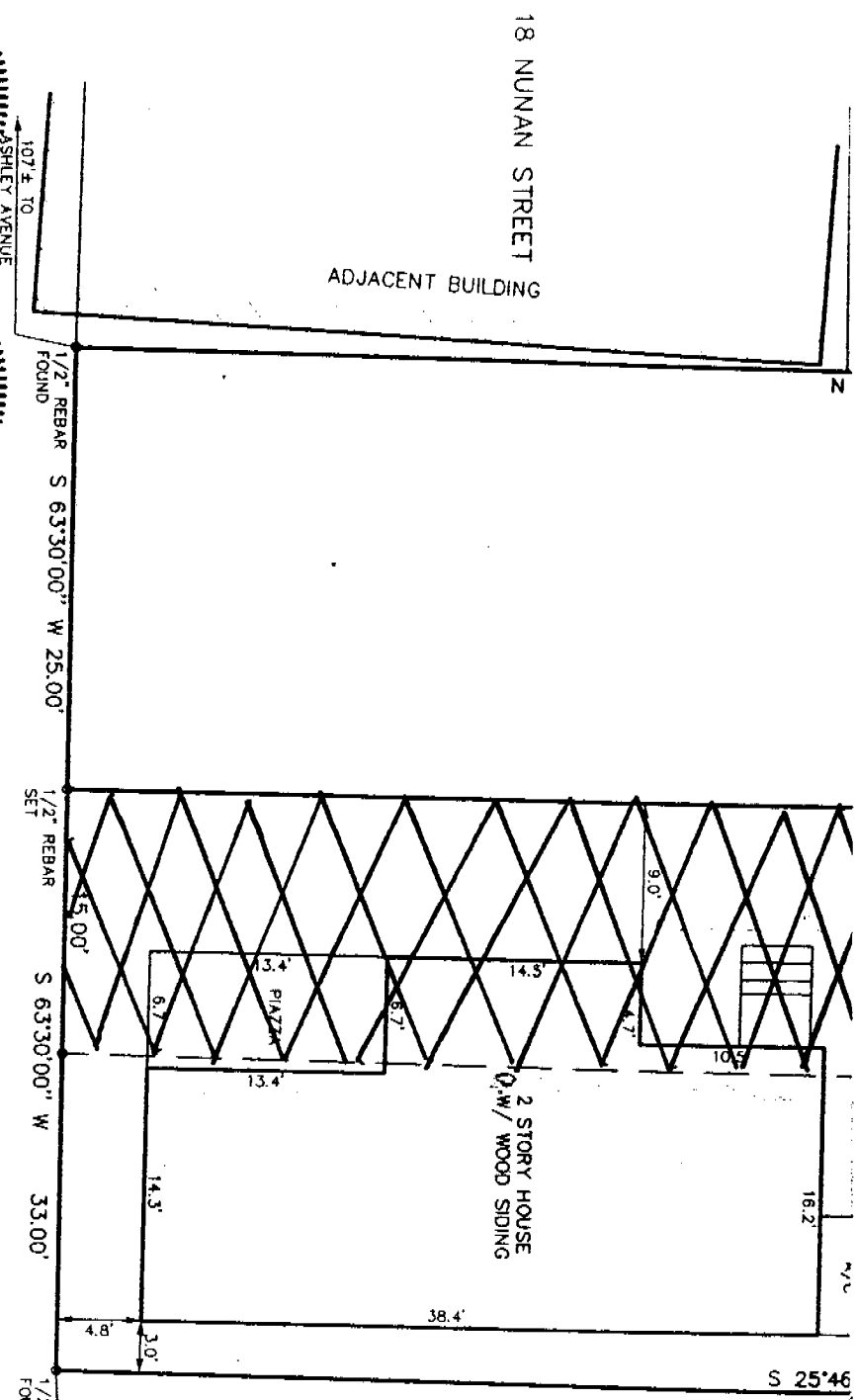
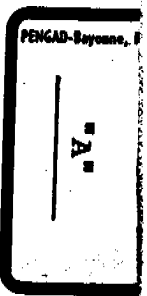
3294 Ashley Phosphate Rd., 2-A

Charleston, SC 29418

(843) 767-8888

Charleston, South Carolina

Date: October 1, 2001



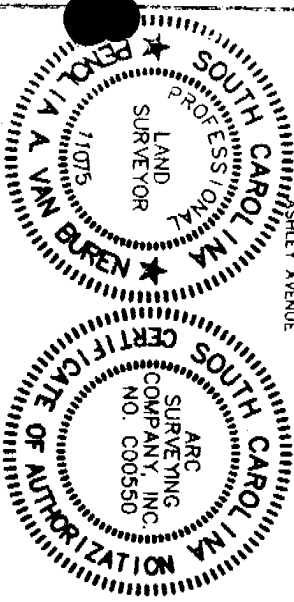
NUNAN STREET (40' R/W)

PROPERTY OWNED BY:  
THE CITY OF CHARLESTON

CITY OF CHARLESTON

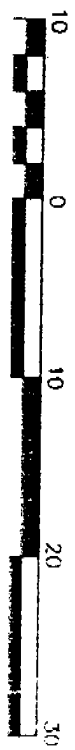
PROPERTY LINE ADJUSTMENT BETWEEN  
LOT J & LOT K

CHARLESTON COUNTY, SOUTH CAROLINA  
JANUARY 11, 1998  
REUSED AUGUST 30, 2001 TO MOVE PROPERTY LINE  
SCALE: 1"=10'



I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

PENGLA A VAN BUREN P L C S C REG NO 11075

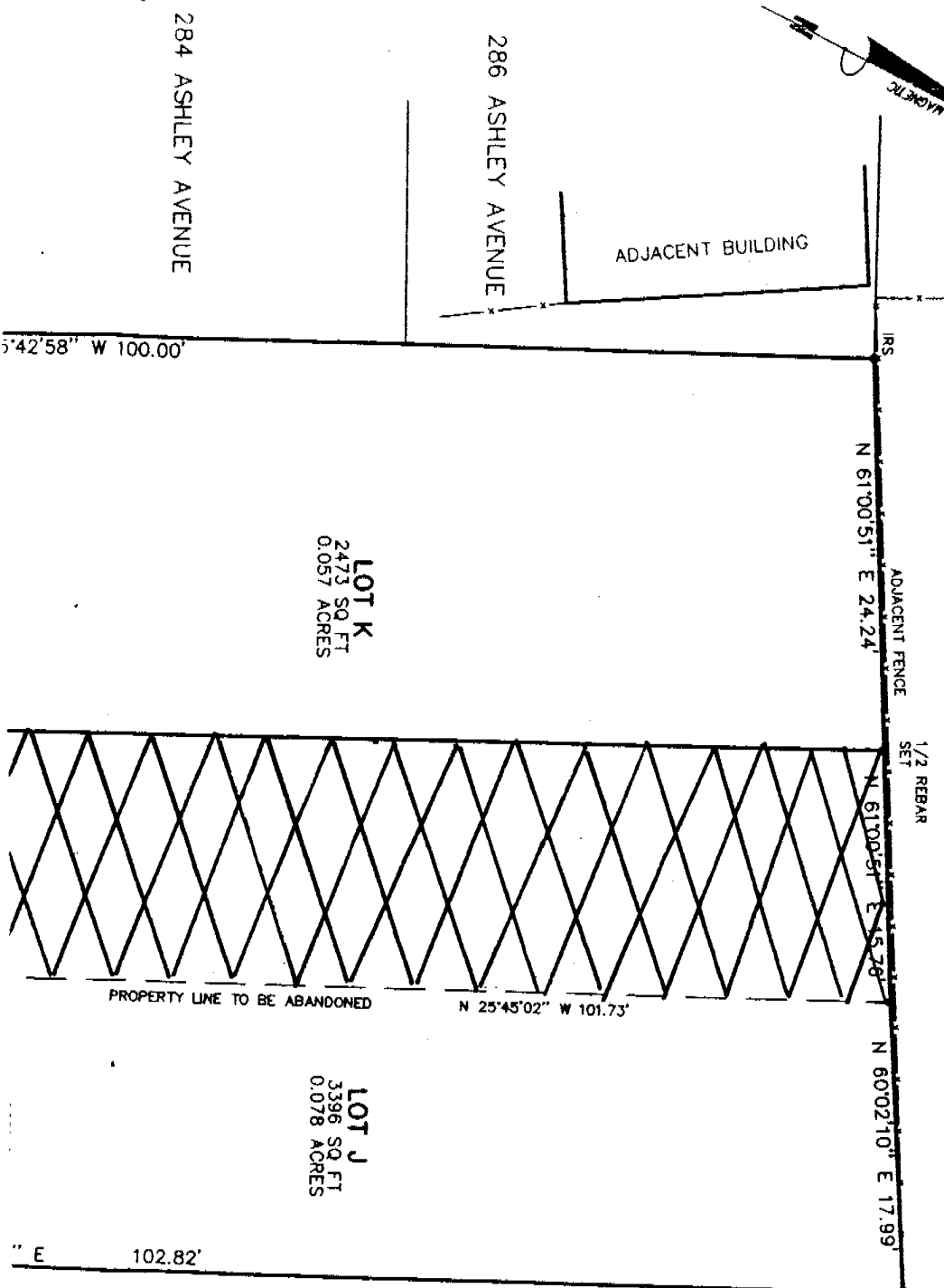
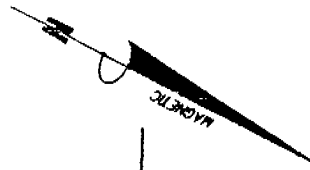


P.O. BOX 1054, MT. PLEASANT, SOUTH CAROLINA 29465  
 OFFICE LOCATION: 985-A JOHNNIE DODDS BLVD. 29464  
 ON THE INTERNET AT: <http://www.arcsurveying.com>

PHONE: (843) 881-4913  
 FAX: (843) 849-6120  
 EMAIL: [arcsurvey@quik.com](mailto:arcsurvey@quik.com)

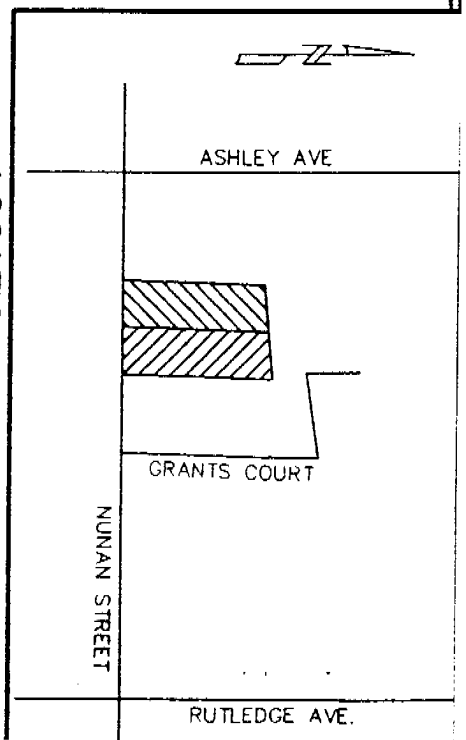
**NOTES**

1. ADDRESS: 12 1/2 & 14 NUNAN ST
2. PROPERTY IS LOCATED IN FLOOD ZONE A5 ELEV. 13
3. BUILDING TIES ARE FOR CONVEYANCE PURPOSES ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION
4. IRS = 5/8" REBAR SET
5. MAINTENANCE OF 10' ACCESS EASEMENT TO BE SHARED BY LOT J & LOT K



TMS 460-07-02-228  
 GRANTS COURT

**LOCATION MAP - N.T.S.**



**REFERENCES**

1. REFERENCE PLAT RECORDED IN PLAT BOOK A, PAGE 136
2. REFERENCE PLAT RECORDED IN PLAT BOOK BX, PAGE 55
3. TMS 460-07-02-233
4. 12 1/2 NUNAN STREET LC
5. TMS 460-07-02-234
6. 14 NUNAN STREET LOT K

12 NUNAN STREET

PLANNING AND RMC OFFICE USE ONLY

1/2 OPEN  
 PIPE FOUND